

1882-034
Lee Co.

Chancery Causes: A. J. Litton vs. Isaac Ely

1904

N.R. 1904-001 - 1904-013 located at C.H.

CA-Debt

T-Property

To the Honorable John A. Kelly Judge
of the circuit Court of Lee County Va
Your orator A. J. Litton humbly
Complaining sheweth unto your Honor
that on the 12th, day of November 1859
one Isaac Ely executed his bond to your
orator, for the sum of \$38.82, due & payable
one day after the date thereof, which said
bond is still wholly unpaid and due your
orator, & the same is herewith filed marked
A & proposed to be considered as part hereof
Also an open account dated Nov. 12 1859 for \$6.00 -
Done after the execution thereof the said
Ely left this Commonwealth, and has
since remained abroad, and until recently
had no effect in this County, but in
the last month his father Hiram Ely
deceased this life intestate and the owner of
the time of his death of a considerable real
& personal estate. The said Isaac is one
of his children & heir at law and as such
there descended to him an undivided interest
in said real estate, the rents & profits of
which will not in five years pay your
orator's debt, administration has not yet
been granted on said estate but when
done so your orator will make its admin-
a party hereto & seek from that source
first the amount of his debt.

The said lands & personal property thus descended to the said Isaac Ely is situated in this County some 8 or 10 miles south East from Knoxville and the land is the same whereon the said Heron lived & died.

The object of this bill therefore is to attach said land, & have them held liable to your orator's debt & the future order of this Court. And on a final hearing to have the said land, & personal property decreed to be sold or so much thereof as may be necessary to pay said debt interest & costs. The premises considered therefore your orator prays that Isaac Ely be made a party defendant to this bill & answer its allegations upon oath, and upon a hearing a decree be rendered in favor of your orator for the amount of said debt interest & costs. And in the mean time that the undivided interest in said real estate be attached & held liable for the same. And for all other further & general relief may your orator pray.

Wm. H. H. H. H.

On lch \$3.26

C 2.72

W 5.00

A 15.00

S 1.20

Notary .75

Lo. 15

\$28.08

A. B. Litter

W 3 Bell. Chm
Foreign Affairs

Isaac Ely

1881 April, Bill Filed

Shan not avoid

" May & June Court

" July. C. P. & Equity

" Aug. C. P. completed act for
hearing by J. E. Ely

" Aug Decree & Court

1882 March & April

\$38.82. One day after date I promise to pay
A. I. Titon order Thirty Eight dollars and
Eighty two Cents for value Rec^d of him
~~Witness~~ my hand and Seal this the 12th
November 1859

his
Isaac C. C. (Seal)
Mark

Isaac Cady's
Note
\$38, 82

A. J. Litch

"
A
"

A. J. Little Off.
Against } In Chgo
Isaac C. C. oft

This cause came on this day again to be heard upon the papers formerly read, and was argued by counsel, and it appearing to the Court that all the matters and things embraced in said cause are now fully settled and adjusted, this cause is stricken from the docket—

A. J. Litton

W. S. Secree

3 fines

Isaac Ely

March 5, 1882

Entered on Page

258 J. H. Hyatt


clerk

Enter this.

April 5, 1882

~~which~~ he will require to be paid in hand
 and take good personal security for the
 payment of the residue. being interest from day
 of sale. He will sell the same on
 some Court day in front of the Court
 House door by public outcry to the
 highest bidder. But before pro-
 ceeding to sell he will post notice
 on the front door of the Court House of
 this County and in the neighborhood where
 the land lies for at least 30 days
 before sale setting out times terms
 and place of sale. He will report
 his action to this Court at some
 future term and the cause is continued.

A. J. Lutton

27  Decree of
Sale.

Isaac Ely

Aug. 1. 1881

Entered Page 212

Dea W. Hyatt

clerk

Enter this

Aug. 26 1881

J. A. K.

The deposition of A. J. Litten taken before me at the Law Office of "Hagan & Pridemore" in the town of Frontsville, Lee County, Va., on this 20th day of August 1881, which is intended to be read as evidence on behalf of the said A. J. Litten in a certain suit in Chancery now pending in the Circuit Court of Lee County aforesaid wherein the said A. J. Litten is plaintiff and Isaac Ely is defendant.

The said A. J. Litten, being first duly sworn, deposes and says: - That he has before him now a note executed by the said Isaac Ely in his presence for the sum of \$38.82, due and payable one day after date, and dated on the 12th day of November 1857, executed to the witness, and is the note sued on, and marked as Exhibit (7).

The said note is wholly unpaid, and now due the witness, who is the Plaintiff in this cause, and the said Ely also owes to the witness an open account amounting to the sum of six dollars, due & payable on the said 12th day of November 1857, this account is also just and unpaid.

That soon after the execution of said note, and the contracting of said account, the said Ely removed from the State of Virginia, and has since that time continued to reside out of the state.

And further this deponent saith not.

A. J. Litten

Virginia Lee County, trust: - I, John B. West,
a Notary Public in and for said County and State,
do hereby certify that the foregoing deposition of T. J.
Hutton was taken, sworn to, and subscribed before
me at the time, place, and for the purpose men-
tioned in caption.

Given under my hand this, 25th, day of August 1887.

John B. West, A.C.

A. J. Sutton
vs. Depos.

Isaac. Ely

A. P. ice: 75 cts.

Virginia this day J. S. Lottow personally
appeared before me the undersigned,
and made oath that said City is legally indebted
to the said Lottow in the sum of \$38.82
with legal interest thereon from the 13th
day of November 1857, and that as he is
informed & believes the said City is a
non-resident of the Commonwealth
of Virginia this 27th day of March 1858.

Teste - John B. West, Notary Public for
Lee County, Va.

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For given in the county court clerk's office. Mar. 15/88
The foregoing is taken down against the order
of Isaac C. B. now this day admitted to
record in my office

Letter from Mr. [unclear] 2000.

4. 1. 1880

4. 1. 1880

4. 1. 1880

Recorded in deed
Book 4. p. 9. Page 304

4. 6. 1880

Steeleyville

Isaac Ely			
, 859			
Nov 12 th	100	1 pair Boots	4.25-
		1 finer wool Hat	1.75-
			4.25-
			1.75-
			6.00

Virginia Lee County to wit this
 day personally came J. F. Vetter before me
 the undersigned an acting Justice of the
 Peace for Lee County - and made oath that
 on the 12th day of November 1854 - the day
 that he made a settlement with Isaac Ely
 and took his note, that he said said
 Ely the said boots & Hat charged above
 and had them charged to his father
~~Isaac~~ Meram Ely - and about the time
 the note was due I sent the note him for
 payment and he refused to pay it and
 said it would have to look to the one
 that bought the goods for pay - and
 I have not received any pay or part
 thereof for them, given under my
 hand this the 2nd day of April 1881.

J. F. Vetter

Isaac	Qty
Isaac	10.00
Isaac	Qty

10.00
 J. H. Cotton
 June 18 1860

Virginia.

At Rules held in the Clerk's office of
The Circuit Court of Lee County on Monday
the 4th day of July 1881.

A. J. Litton Plff. }
vs } In Chancery
Isaac Ely Deft. }

The object of this suit is to recover of the
Defendant a debt of \$38.82, due by note, and
with interest thereon from the 13th day of Nov.
1859, till paid, and also an account of \$6.
due Nov. 12-1859, and to subject to the
payment thereof the Deft's interest, in the
land in the bill mentioned, which has
been attached for the purpose.

And it appearing from an affidavit filed
in the case that Isaac Ely is a non-resident
of the Commonwealth of Virginia,

It is ordered that he appear here within
one month after due publication of this
order and do what is necessary to protect
his interest in this suit.

A Copy

Lester A. Hyatt Clerk

Lee County Court.

I certify that I posted a copy
of the within order at the front door of the
Court house on the 1st day of July County
Court 1881.

L. A. Hyatt Clerk

A. J. Little
vs 30rd, Pub.
Isaac. Ely.

The Commonwealth of Virginia.

To The Sheriff of Lee County, Greeting:

We command you to summon

Isaac Ely

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in

April

next, being rule, to answer a bill in Chancery, exhibited in our said Court against

him

by

A. J. Little

And have then there this writ. Witness JAMES W. Orr, Clerk of our said Court, at the Courthouse, this

day of March 1881, in the 10⁵ year of the Commonwealth.

John C. Orr, D (Clerk.)

The proper affidavit having been made in this case
the officer securing this writ is ordered to attach the es-
tate of the defendant in Lee County and the
land in his hands, so attached, so to secure and
provide, that the same may be forth coming and
liable to a future order of the court.

James W. Carr, clerk.

A. J. Lister
136 Spa. in Chy.
Isaac Ely

Apr Rules 1881

I have not executed
the within writ be-
cause the deft. is a non-
resident of the state of
Virginia. But have
secured the attachment
hereon endorsed, by se-
curing the same on the
deft.'s interest ^{the lands of} in his
father, Hiram Ely's,
deceased, lying in
Lee County, Virginia,
and on which said Hi-
ram Ely resided at
the time of his death.

Isaiah Ellis D.D.
for J. D. Ely D.D.

OFFICE OF

WILLIAM A. ORR,

Attorney and Counsellor at Law,

Will practice in all the Courts of
LEE, SCOTT, WISE AND WASHINGTON COUNTIES,

And in the

FEDERAL COURT AT ABINGDON.

PROMPT ATTENTION

GIVEN TO THE COL-

LECTION OF CLAIMS.

Jonesville, Lee County, Va., July 22 1881.

I hereby certify that the Order of
Publication of which the attached is
a copy has been published in the
Lee County Sentinel four successive
weeks, a weekly news paper published
at Jonesville, Va.

Wm A. Orr,
Editor.

VIRGINIA:—At rules held in the Clerk's
office of the Circuit Court of Lee county
on Monday, the 4th day of July, 1881.

A. J. LITTON, Plff

VS.

ISAAC ELY, Def't.

In Chancery.

The object of this suit is to recover of the
defendant a debt of \$38 82 due by note and
interest thereon from the 13th day of Novem-
ber, 1859, till paid, and also an account of \$6
due Nov. 12, 1859, and to subject to the pay-
ment thereof the defendant's interest in the
land in the bill mentioned, which is attached
for the purpose. And it appearing from an
affidavit filed in the cause that Isaac Ely is a
nonresident of the Commonwealth of Vir-
ginia. It is ordered that he appear here with-
in one month after due publication of this or-
der and do what is necessary to protect his
interest in this suit. A copy—test:

(Jul 24 1881) J. A. G. HYATT, Clerk.

A. J. Little
vs } Ord. Pub.
Iracie City

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